

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 2:09-CR-855
	§	
STEVEN GUAJARDO SERVANTES	§	

ORDER


Steven Guajardo Servantes filed a notice of appeal from this Court's denial of his motion for sentence reduction pursuant Amendment 782 to the United States Sentencing Guidelines. The Fifth Circuit Court of Appeals notified this Court that Servantes' notice of appeal was filed late and remanded to this Court to determine whether the late filing should be excused for good cause or on the grounds of excusable neglect. This Court Ordered Servantes to file an affidavit explaining the reasons for his late notice of appeal on July 28, 2015.¹ D.E. 32. Servantes has not responded.

The Court finds that Servantes has not explained any basis for a finding of good cause or excusable neglect. Accordingly, the Court finds that his notice of appeal, although filed within the window of time for an extension, is outside the 14 day period by which a notice of appeal is required to be filed. Because his notice of appeal was not filed within the 14-day appeal period and Servantes has not provided information from which this Court may determine good cause or excusable neglect, this Court DENIES his construed motion for extension of time (D.E. 24) to file a late notice of appeal from the Order granting him a sentence reduction. *See United States v.*

¹ Servantes previously filed a motion to withdraw his appeal in this Court that this Court did not have authority to act upon. D.E. 30.

Leijano-Cruz, 473 F.3d 571, 574 (5th Cir. 2006) (district court does not abuse its discretion by applying “inflexible claim processing rule”).

SIGNED and ORDERED this 18th day of September, 2015.



Janis Graham Jack
Senior United States District Judge